

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited,  Plaintiff,  v.  6.21 CARAT DIAMOND,  Defendant-in-rem,  Jay Waldmann,  Claimant-Defendant.	<b>Request for Default Judgment</b>       Case No. 08-CV-2006 (SHS)
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TO: **J. Michael McMahon**  
Clerk of the Court  
United States District Court  
Southern District of New York

Please enter the default of defendant-claimant Jay Waldmann, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rules 55.1 and 55.2 of the Civil Rules for the Southern and Eastern Districts of New York for failure to plead or otherwise respond to the complaint in the above-captioned action as is fully evident from the court file herein and from the attached Declaration of Sarah Anne Kutner.

Dated: Jericho, New York  
April 22, 2008

Respectfully submitted,

**NIXON PEABODY LLP**

By: /s/  
Sarah Anne Kutner (SAK 6516)  
Aidan M. McCormack (AMM3017)  
*Attorneys for Plaintiffs*  
50 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
Tel. No.: (516) 832-7500

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited,  Plaintiff,  v.  6.21 CARAT DIAMOND,  Defendant-in-rem,  Jay Waldmann,  Claimant-Defendant.	<b><u>Declaration of Sarah Anne Kutner</u></b>    Case No. 08-CV-2006 (SHS)
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SARAH ANNE KUTNER, an attorney duly admitted to practice before this Court and the Courts of the State of New York, declares the following under penalty of perjury:

1. I am duly admitted to practice law before the United States District Court for the Southern District of New York. I am an associate with the law firm of Nixon Peabody LLP, counsel for plaintiffs Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited, (the "Underwriters"). As such, I am fully familiar with the facts of this matter set forth herein based on my review of the file and handing of this case.

2. I submit this Declaration, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rule 55.1 and 55.2 (a) of the Civil Rules for the Southern and Eastern Districts of New York, in support of the Underwriters' request for a certificate of default against claimant-defendant Jay Waldmann in the captioned action.

3. I declare that (1) Mr. Waldmann is not an infant, is not in the military, and is not an incompetent person; (2) Mr. Waldmann has failed to plead or otherwise respond to the complaint in the captioned action; and (3) Mr. Waldmann was properly served with the pleadings in this action.

Dated: Jericho, New York  
April 22, 2008

/s/

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Sarah Anne Kutner (SAK6516)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited,  Plaintiff,  v.  6.21 CARAT DIAMOND,  Defendant-in-rem,  Jay Waldmann,  Claimant-Defendant.	<b>Clerk's Certificate of Default</b>       Case No. 08-CV-2006 (SHS)
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I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on February 28, 2008 with the filing of a summons and complaint. *See* complaint filed at docket entry #1. Copies of the summons and complaint were served on defendant Jay Waldmann on March 19, 2008. *See* proof of service filed at docket entry #5.

I further certify that the docket entries indicate that to date, defendant Jay Waldmann has not filed an answer or otherwise responded to the complaint herein. The default of defendant Jay Waldmann in this action is hereby noted.

Dated: New York, New York  
April 21, 2008

**J. Michael McMahon**  
Clerk of the Court

By:

  
Clerk